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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORKJeffrey Rockefeller - Pro Se
Plaintiff(s)

vs.

NYS Dept. of Corrections and
Community Supervision
Defendant(s)LAWRENCE K. BAERMAN, CLERK
Civil Case No. 13CV1381
ALBANYCIVIL RIGHTS COMPLAINT (GLS/RFT)
PURSUANT TO
42 U.S.C. § 1983Plaintiff(s) demand(s) a trial by: ☒ JURY _____ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Jeffrey M Rockefeller
Address: 32 Main St Apt 1
Cohoes NY 12047

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: NYS Dept. of Corrections and Comm. Supervision
Official Position: NY Prison System
Address: 1220 Washington Ave, Bldg 2
Albany NY 12212

b. Defendant: _____
Official Position: _____
Address: _____

c. Defendant: _____
Official Position: _____
Address: _____

Additional Defendants may be added on a separate sheet of paper.

4.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

ON February 22, 2011, I was an inmate at the Attica Correctional Facility located in Attica ny. On this date at 7:40 pm, I was in my cell located on C-Block, Cell # ~~25~~ 15 on tier #36. On this date and time Sgt. Sean Warner whom was the Black Sgt. / Supervisor, gave 2 officers authorization to go to my cell and to plant a

Weapon in my cell. I was told to exit my cell by officer Andrew Holman and officer N. Klimko and was pat frisked. I was then locked in the shower while the search of my cell was being done. This is in violation of the NYC RR section unknown. I am allowed to observe the search of my cell. At this time a weapon was planted by Officer Andrew Holman. Sgt. Warner was notified and I was then escorted down to C-Block lobby where I was handcuffed and shackled and told to stand face in the corner and don't move. I was then assaulted by numerous officers whom punched me in my back 10-15 times and was also struck numerous times in my right leg. Also at this time an Officer Summers, unknown first name reached between my legs and yanked very hard 2 times, my penis which as a result left bruises. I was denied medical attention and saw a doctor 2 days later on 2-24-11 whom documented the bruises on my penis. This document is enclosed. I asked for pictures to be taken of my penis but was denied. All this occurred because I filed a grievance against officer Matthew Rademacher. Sgt. Warner investigated my grievance and denied it. I then on February 19, 2011, wrote back a letter to

Sgt. Warner, and opposed his decision. A copy of that letter is enclosed.

I was then taken to SHU and spent 16 months in the box for the acts of Sgt. Warner and others. This was retaliation for me exercising my first Amendment right to petition the Government for the redress of my grievances. In the disciplinary hearing I told the hearing officer everything I stated in this Complaint. I also asked for a forensic analysis to be done on the weapon to prove that it was planted but was denied. Sgt. Warner and the 2 officers testified falsely at the hearing. I was then found guilty and given SHU time and 1 month loss of good time. As a result all my good time was taken away and I had to work out on 12-14-12. The Doc. was negligent in not investigating my Complaint thoroughly and dismissed my Complaint. They were deliberately indifferent.

As a result of this deliberate indifference Sgt. Sean Warner and Officer Matthew Rael-smacher were at it once again on August 9, 2011. They assaulted an inmate George Williams and 4 were indicted for Gang Assault 1st tampering with physical evidence official misconduct. Sgt. Warner was

indicted on two additional Counts of offering a false instrument for filing first degree for allegedly preparing a list of force reports which falsified the details of the Cell block incident.

In my Case, Sgt. Sean Warner did the exact same thing. The newspaper articles of these Charges Against the officers are enclosed.

On January 10, 2013 shortly after my release, I went out to the State Police in Warren and filed a Criminal Complaint against the officers involved in my Case, but the local DAs office refuses to prosecute my Case. I have no obvious injuries, but Psychologically Am having a Very hard time coping with the fact that I was sexually assaulted and knowing that these prison guards are always believed and the fact that they can assault inmates and then falsify records and make up false reports to cover up their assaults on inmates is very troubling and that no one ever believes the inmate, even when he has evidence to prove his crimes like in my Case, I ask for a trial by jury and all filing fees waived so to say being indigent. I also ask for

an unspecified amount of damages.
Upon being transferred to SHU on 2-22-11
I requested for my legal papers that was
in my cell. All my legal papers were
thrown out. I filed a grievance and it was
denied.

Sincerely,
Jeffrey Rockwell
Pro-Se.

Dated: 11-4-2013

5.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

The Defendant(s) heretofore have a responsibility of its department to uphold its legal obligation to ensure the safety and security of the offenders in its custody. Its failure to have the Weapon analyzed for forensic to prove that its officers planted it, held the Plaintiff to his word and date and failed to hold its officers liable for their acts.

SECOND CAUSE OF ACTION

Under the obligations of the department (Daco), they failed to do a thorough investigation into Plaintiff's Complaint and failed to hold the officers accountable and make an arrest when such evidence was there to do so. The Dico report that there were bruises on Plaintiff's penis due to allegations of sexual assault and failed to do anything is deliberate indifference. As a result, Sgt. Winger and Radmacher were indicted in another case with similar circumstances.

THIRD CAUSE OF ACTION

That heretofore, Plaintiff, requests a jury trial and damages to be awarded and returned by the department without objection and that federal Criminal Charges be filed against the officers in the Complaint. Wherefore, Plaintiff demands judgement against the defendant(s) for the sum of 2 million dollars for the acts of the officers and the failure of the department to take proper action against its employees for their acts and for the unlawful imprisonment of the Plaintiff by the division of parole because of the acts of the department's employees.

6. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Unspecified amount of damages and for
several Criminal Charges he filed against
Det. Sean Danner, officers Rasmussen, Holman,
Blunko, etc.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 11-4-2013

Jeffrey Rockwell

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010

SOCIAL SECURITY ADMINISTRATION

Date: November 4, 2013
Claim Number: XXX-XX-3421DI

JEFFREY M ROCKEFELLER
32 MAIN STREET
FL 1
COHOES NY 12047-3007

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Supplemental Security Income Payments

Beginning December 2013, the current
Supplemental Security Income payment is.....\$ 314.70

This is after we have withheld 73.30 to recover an overpayment.

This payment amount may change from month to month if income or living situation changes.

Supplemental Security Income Payments are paid the month they are due. (For example, Supplemental Security Income Payments for March are paid in March.)

Date of Birth Information

The date of birth shown on our records is [REDACTED] 1968.

If You Have Any Questions

If you have any questions, you may call us at 1-800-772-1213, or call your local Social Security office at 866-770-2662. We can answer most questions over the phone. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE 101
500 FEDERAL ST
TROY, NY 12180

If you do call or visit an office, please have this letter with you. It will help us answer your questions.

OFFICE MANAGER

SOCIAL SECURITY ADMINISTRATION

Date: November 4, 2013
Claim Number: XXX-XX-8551C1

JEFFREY M ROCKEFELLER
32 MAIN ST
APT 1
COHOES NY 12047-3007

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Current Social Security Benefits

Beginning December 2012, the full monthly
Social Security benefit before any deductions is.....\$ 365.70

We deduct \$0.00 for medical insurance premiums each month.

The regular monthly Social Security payment is.....\$ 365.00
(We must round down to the whole dollar.)

Social Security benefits for a given month are paid the following month. (For example, Social Security benefits for March are paid in April.)

Your Social Security benefits are paid on or about the third of each month.

Date of Birth Information

The date of birth shown on our records is [REDACTED] 1968.

If You Have Any Questions

If you have any questions, you may call us at 1-800-772-1213, or call your local Social Security office at 866-770-2662. We can answer most questions over the phone. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE 101
500 FEDERAL ST
TROY, NY 12180

If you do call or visit an office, please have this letter with you. It will help us answer your questions.

OFFICE MANAGER

Brian Fischer

June 21, 2011

I am following up with you about my last letter dated June 7, 2011 asking your office to grant the fingerprint and forensic test be done on the weapon that was planted in my cell on 2-22-11. It either CF my staff. The evidence will go in my favor once it is complete because of the tape that is wrapped around it according to the photograph, this contains fingerprints and DNA which will exonerate me and then my APT I previously completed on 1-20-11 will be reinstated and my good time credit will be restored since the false weapon charge was the reason for the time allowance committee taking all my good time away. I ask that you grant this analysis to me

on this weapon and since my file and I am "Grand
 I ask that the officer involved be corrected and
 charged for their crime, one time being F.L.A.K.
 40 (1) Defendant No. 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th 101st 102nd 103rd 104th 105th 106th 107th 108th 109th 110th 111th 112th 113th 114th 115th 116th 117th 118th 119th 120th 121st 122nd 123rd 124th 125th 126th 127th 128th 129th 130th 131st 132nd 133rd 134th 135th 136th 137th 138th 139th 140th 141st 142nd 143rd 144th 145th 146th 147th 148th 149th 150th 151st 152nd 153rd 154th 155th 156th 157th 158th 159th 160th 161st 162nd 163rd 164th 165th 166th 167th 168th 169th 170th 171st 172nd 173rd 174th 175th 176th 177th 178th 179th 180th 181st 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1583rd 1584th 1585th 1586th 1587th 1588th 1589th 1590th 1591st 1592nd 1593rd 1594th 1595th 1596th 1597th 1598th 1599th 1600th 1601st 1602nd 1603rd 1604th 1605th 1606th 1607th 1608th 1609th 1610th 1611th 1612th 1613th 1614th 1615th 1616th 1617th 1618th 1619th 1620th 1621st 1622nd 1623rd 1624th 1625th 1626th 1627th 1628th 1629th 1630th 1631st 1632nd 1633rd 1634th 1635th 1636th 1637th 1638th 1639th 1640th 1641st 1642nd 1643rd 1644th 1645th 1646th 1647th 1648th 1649th 1650th 1651st 1652nd 1653rd 1654th 1655th 1656th 1657th 1658th 1659th 1660th 1661st 1662nd 1663rd 1664th 1665th 1666th 1667th 1668th 1669th 1670th 1671st 1672nd 1673rd 1674th 1675th 1676th 1677th 1678th 1679th 1680th 1681st 1682nd 1683rd 1684th 1685th 1686th 1687th 1688th 1689th 1690th 1691st 1692nd 1693rd 1694th 1695th 1696th 1697th 1698th 1699th 1700th 1701st 1702nd 1703rd 1704th 1705th 1706th 1707th 1708th 1709th 1710th 1711th 1712th 1713th 1714th 1715th 1716th 1717th 1718th 1719th 1720th 1721st 1722nd 1723rd 1724th 1725th 1726th 1727th 1728th 1729th 1730th 1731st 1732nd 1733rd 1734th 1735th 1736th 1737th 1738th 1739th 1740th 1741st 1742nd 1743rd 1744th 1745th 1746th 1747th 1748th 1749th 1750th 1751st 1752nd 1753rd 1754th 1755th 1756th 1757th 1758th 1759th 1760th 1761st 1762nd 1763rd 1764th 1765th 1766th 1767th 1768th 1769th 1770th 1771st 1772nd 1773rd 1774th 1775th 1776th 1777th 1778th 1779th 1780th 1781st 1782nd 1783rd 1784th 1785th 1786th 1787th 1788th 1789th 1790th 1791st 1792nd 1793rd 1794th 1795th 1796th 1797th 1798th 1799th 1800th 1801st 1802nd 1803rd 1804th 1805th 1806th 1807th 1808th 1809th 1810th 1811th 1812th 1813th 1814th 1815th 1816th 1817th 1818th 1819th 1820th 1821st 1822nd 1823rd 1824th 1825th 1826th 1827th 1828th 1829th 1830th 1831st 1832nd 1833rd 1834th 1835th 1836th 1837th 1838th 1839th 1840th 1841st 1842nd 1843rd 1844th 1845th 1846th 1847th 1848th 1849th 1850th 1851st 1852nd 1853rd 1854th 1855th 1856th 1857th 1858th 1859th 1860th 1861st 1862nd 1863rd 1864th 1865th 1866th 1867th 1868th 1869th 1870th 1871st 1872nd 1873rd 1874th 1875th 1876th 1877th 1878th 1879th 1880th 1881st 1882nd 1883rd 1884th 1885th 1886th 1887th 1888th 1889th 1890th 1891st 1892nd 1893rd 1894th 1895th 1896th 1897th 1898th 1899th 1900th 1901st 1902nd 1903rd 1904th 1905th 1906th 1907th 1908th 1909th 1910th 1911th 1912th 1913th 1914th 1915th 1916th 1917th 1918th 1919th 1920th 1921st 1922nd 1923rd 1924th 1925th 1926th 1927th 1928th 1929th 1930th 1931st 1932nd 1933rd 1934th 1935th 1936th 1937th 1938th 1939th 1940th 1941st 1942nd 1943rd 1944th 1945th 1946th 1947th 1948th 1949th 1950th 1951st 1952nd 1953rd 1954th 1955th 1956th 1957th 1958th 1959th 1960th 1961st 1962nd 1963rd 1964th 1965th 1966th 1967th 1968th 1969th 1970th 1971st 1972nd 1973rd 1974th 1975th 1976th 1977th 1978th 1979th 1980th 1981st 1982nd 1983rd 1984th 1985th 1986th 1987th 1988th 1989th 1990th 1991st 1992nd 1993rd 1994th 1995th 1996th 1997th 1998th 1999th 2000th 2001st 2002nd 2003rd 2004th 2005th 2006th 2007th 2008th 2009th 2010th 2011th 2012th 2013th 2014th 2015th 2016th 2017th 2018th 2019th 2020th 2021st 2022nd 2023rd 2024th 2025th 2026th 2027th 2028th 2029th 2030th 2031st 2032nd 2033rd 2034th 2035th 2036th 2037th 2038th 2039th 2040th 2041st 2042nd 2043rd 2044th 2045th 2046th 2047th 2048th 2049th 2050th 2051st 2052nd 2053rd 2054th 2055th 2056th 2057th 2058th 2059th 2060th 2061st 2062nd 2063rd 2064th 2065th 2066th 2067th 2068th 2069th 2070th 2071st 2072nd 2073rd 2074th 2075th 2076th 2077th 2078th 2079th 2080th 2081st 2082nd 2083rd 2084th 2085th 2086th 2087th 2088th 2089th 2090th 2091st 2092nd 2093rd 2094th 2095th 2096th 2097th 2098th 2099th 2100th 2101st 2102nd 2103rd 2104th 2105th 2106th 2107th 2108th 2109th 2110th 2111th 2112th 2113th 2114th 2115th 2116th 2117th 2118th 2119th 2120th 2121st 2122nd 2123rd 2124th 2125th 2126th 2127th 2128th 2129th 2130th 2131st 2132nd 2133rd 2134th 2135th 2136th 2137th 2138th 2139th 2140th 2141st 2142nd 2143rd 2144th 2145th 2146th 2147th 2148th 2149th 2150th 2151st 2152nd 2153rd 2154th 2155th 2156th 2157th 2158th 2159th 2160th 2161st 2162nd 2163rd 2164th 2165th 2166th 2167th 2168th 2169th 2170th 2171st 2172nd 2173rd 2174th 2175th 2176th 2177th 2178th 2179th 2180th 2181st 2182nd 2183rd 2184th 2185th 2186th 2187th 2188th 2189th 2190th 2191st 2192nd 2193rd 2194th 2195th 2196th 2197th 2198th 2199th 2200th 2201st 2202nd 2203rd 2204th 2205th 2206th 2207th 2208th 2209th 2210th 2211th 2212th 2213th 2214th 2215th 2216th 2217th 2218th 2219th 2220th 2221st 2222nd 2223

Brian Fischer,

June 7 2011

I request that you review and reconsider my good time credit and to give it back to me ON 2-3-2-11-

was the victim of a weapon being planted in my cell by staff at Otter Creek. As a result I lost all my good time credit of 16 months. I ask for an investigation into this. I have physical evidence that

can clear me of this weapon, fingerprints and forensic

Since this is done I will prove that 1) this weapon is

not mine; 2) the inmate owner who made the weapon

this should be easy because according to the photo in

evidence it has tape wrapped around it which leaves

fingerprints) 3) that it was already on file in the

inmate disciplinary file; 4) that it was the subject

of an earlier search and was found in the contr-

stand office and then was taken from there and planted
in my cell for retaliation for writing grievances. Please
charge me inmate account for the cost of this mail-
ing. Please someone listen to me. I have not gotten
my cooperation from other officials. I need you to
make the final decision. If you don't withdraw this
indictment on the weapon they in prison because
because of some officers who want to teach me
a lesson and because of those criminal conduct
and hiding behind the program. I really need your
help. Your office should not tolerate this kind of be-
havior from its employees and should take action if
appropriate and in my case if it is appropriate
considering the physical evidence and what it could
reflect. There should be criminal charges filed.

this testing gets done. This will be a disappointing day
 for the department but they should be held accountable
 for their actions just like we are held accountable
 for ours. They should not be able to hide behind
 the uniform. These guards who do these acts are
 a disgrace to all Los Angeles employees even the good
 officers. They tarnish the reputation of the good
 ones. Please grant my request for an investigation
 and have this analysis done. I need to get home to
 my family and this weapon that was placed in
 my cell stopped that. I am going back my cell
 date of 8-15-2011 by authorizing this fingerprint
 and forensic testing be done on this weapon. I don't
 know how to convince you but I know it's going to
 come back the way I'm saying. I wrote to you

many agencies. I currently have an article 78 out of
 Wyoming Co Supreme Ct on the Calendar for 6-20-11.
 I would not be asking for this analysis if I was
 happy or if it was my weapon. I would not misinform
 all myself. This is a means to leave me out to finish
 me. This analysis is used for both prosecuting and convict-
 ing. Again I ask that you please withdraw this thing.
 Otherwise, if I have to stay in prison past my
 original Ct 8-15-2011 I am really contemplating
 suicide. I can't do anymore of this. If you don't want
 to deal because on your hands please do the right
 thing, have this analysis done so I can leave myself
 and have my good time restored and go home to my
 family. Otherwise, death is the only way out of this
 hell.

Sincerely
 Col. R. Keith Smith



NORMAN P. EFFMAN
EXECUTIVE DIRECTOR

18 Linwood Avenue
Warsaw, New York 14569
(585) 786-8450

WYOMING COUNTY-ATTICA LEGAL AID BUREAU, INC.

January 24, 2012

Jeffrey Rockefeller #09-A-4178
Auburn Correctional Facility
PO Box 618
Auburn, new York 13024

Re: Wyoming County Index Nos. 21,085-11, 21,126-11 & 21,133-11

Dear Mr. Rockefeller:

I have received your letter dated January 20th. I cannot answer your question as to when Judge Dadd will decide your petitions; he decides cases on his own schedule. I will certainly let you know of his decision when we receive it here.

The Attorney General does not need to answer all three petitions, as they did not contest the merger of two of them. The Answer they filed for #21,126-11 was for both that petition and #21,085-11.

I do want to let you know, if you were not already aware, that Sgt. Sean Warner, along with three other Corrections Officers from Attica CF, was indicted by the Wyoming County Grand Jury in December on charges including Gang Assault 1st, Conspiracy 4th, Tampering with Physical Evidence and Official Misconduct. Sgt. Warner was additionally indicted on two counts of Offering a False Instrument for Filing 1st.

If you have any further questions, please do not hesitate to write me.

Very truly yours,

Adam W. Koch
Staff Attorney



NORMAN P. EFFMAN
EXECUTIVE DIRECTOR

18 Linwood Avenue
Warsaw, New York 14569
(585) 786-8450

WYOMING COUNTY-ATTICA LEGAL AID BUREAU, INC.

February 1, 2012

Vincent A. Hemming
Assistant District Attorney
147 North Main Street
Warsaw, New York 14569

Re: Jeffrey Rockefeller #09-A-4178
Wyoming County Index No. 21,085-11

Dear Mr. Hemming:

I represent Jeffrey Rockefeller, who is currently incarcerated in Auburn Correctional Facility. Back in December of 2010, Mr. Rockefeller was incarcerated at Attica Correctional Facility where he states that a weapon was planted in his cell at the instigation of Sgt. Sean Warner, and that he was assaulted by several Corrections Officers during the search which turned up the planted weapon - including CO Matthew Rademacher, both of whom were recently indicted by the Wyoming County Grand Jury.

Mr. Rockefeller currently has several CPLR Article 78 Petitions before Judge Dadd regarding the incident, but he has requested that I contact your office to see if you would be willing to investigate the matter and have the weapon found in his cell analyzed for evidence that it was planted by CO Andrew Holman. Mr. Rockefeller would like to have any involved officers charged accordingly.

Enclosed please find a copy of a letter dated January 29, 2012 that Mr. Rockefeller sent my office outlining his requests.

If you have any questions or concerns, please do not hesitate to contact me.

Best regards,

Adam W. Koch
Staff Attorney

AWK/mc

Enc.

cc: Jeffrey Rockefeller #09-A-4178

UNUSUAL INCIDENT REPORT

ATTICA GENERAL

FAC CODE [REDACTED]

FAC LOG# [REDACTED]

CCC# [REDACTED]

CB LOG# [REDACTED]

INCIDENT DATE 02/22/11 TIME 07:40 PM LOCATION CELL

OC 36 15S

TELEPHONE DATE 02/22/11 TIME 08:54 PM

PERSON CALLING LT D. BORAWSKI
PERSON RECEIVING CAPT E [REDACTED] BELL

REPORT DATE 02/23/11 PERSON REPORTING SUPER MARK L. BRADT

USE OF FORCE NO WEAPON USED NO

CONTRABAND [REDACTED]
WEAPON - SHANK

DESCRIPTION:

OFFICER HOLMAN CONDUCTED A CELL FRISK OF CELL C-35-15, WHICH IS ASSIGNED TO INMATE ROCKEFELLER 09-A-4178. DURING THE COURSE OF THE SEARCH, OFFICER HOLMAN RECOVERED A FLAT METAL STOCK, FOLDED OVER ON ONE SIDE AND SHARPENED. THE WEAPON WAS INSIDE THE SPINE OF A BOOK LOCATED ON INMATE ROCKEFELLER'S DESK. THE WEAPON MEASURED 5" X 1/2" X 1/8". INMATE ROCKEFELLER WAS PRESENT IN THE GALLERY DURING THE FRISK. THE SUSPICION CELL FRISK WAS AUTHORIZED BY SERGEANT WARNER. SERGEANT WARNER WAS NOTIFIED.

EVENTS CAUSING:

SERGEANT WARNER IS INVESTIGATING. INMATE ROCKEFELLER WAS ASKED ABOUT THE WEAPON AND OFFERED NO COMMENT.

ACTION TAKEN:

THE WEAPON WAS LABELED, PHOTOGRAPHED, AND SECURED IN ACCORDANCE WITH DIRECTIVE #4910A. INMATE ROCKEFELLER WAS ESCORTED TO SHU CELL BE-15 BY

D-5

UNUSUAL INCIDENT REPORT

ATTICA GENERAL

FAC CODE [REDACTED]

FAC LOG# [REDACTED]

CCC# 2 [REDACTED]

CB LOG# [REDACTED]

INCIDENT DATE 02/22/11 TIME 07:40 PM LOCATION CELL

OC 36 15S

USE OF FORCE NO

WEAPON USED NO

ACTION TAKEN:

(CONTINUED)

UNINVOLVED STAFF AND WILL REMAIN CONFINED PENDING DISCIPLINARY ACTION.
A PHOTOGRAPH WAS TAKEN OF THE WEAPON.
THE APPROPRIATE REPORTS WERE SUBMITTED.
SUPERINTENDENT MARK L. BRADT WAS NOTIFIED.

MEDICAL REPORT:

N/A

PROPERTY DAMAGE:

N/A

NOTIFICATION (FAMILY):

N/A

NOTIFICATION (POLICE/OTHER):

N/A

0-6

UNUSUAL INCIDENT REPORT

ATTICA GENERAL

FAC CODE

FAC LOG#

CCC#

CB LOG#

INCIDENT DATE 02/22/11 TIME 07:40 PM LOCATION CELL

OC 36 15S

USE OF FORCE NO

WEAPON USED NO

INMATE INFORMATION:

ROCKEFELLER, JEFFREY M

09A4178

DOB

1968

ETHNIC - WHITE

GEN INCIDENT - SPECIFIC INCIDENTROLEWEAPONFORCEINJURY

CONTRABAND - WEAPON-SHANK

PERP

EMPLOYEE INFORMATION:

HOLMAN, A

CO

GEN INCIDENT - SPECIFIC INCIDENTFORCEINJURYDEGREE

CONTRABAND - WEAPON-SHANK

WARNER,

SGT

GEN INCIDENT - SPECIFIC INCIDENTFORCEINJURYDEGREE

CONTRABAND - WEAPON-SHANK

CONTRABAND INFORMATION:

CB LOG#

CB DATE 02/22/2011 07:40PM LOCATION CELL

OC 36 15S

ITEM 001 WEAPON-SHANK

METAL

NUMBER OF ITEMS 1

RECOVERED BY: CO

HOLMAN, A

RECOVERED FROM: INMATE 09A4178 ROCKEFELLER, JEFFREY M

DESCRIPTION:

1 PIECE OF FLAT METAL STOCK, FOLDED OVER AND SHARPENED ON ONE END. 5" X
 1/2" X 1/8" INSIDE THE SPINE OF A BOOK ON INMATES CELL SHELF.

b-7

UNUSUAL INCIDENT REPORT

ATTICA GENERAL

FAC CODE [REDACTED]

FAC LOG# [REDACTED]

CCC# 2 [REDACTED]

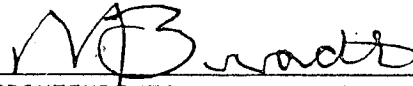
CB LOG# [REDACTED]

INCIDENT DATE 02/22/11 TIME 07:40 PM LOCATION CELL

0C 36 15S

USE OF FORCE NO

WEAPON USED NO



SUPERINTENDENT'S SIGNATURE

2/25/11
DATE

Side 1

Attica

Correctional Facility

INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) ♦ NOMBRE DEL RECLUSO (Apellido, Nombre) <u>Rockefeller</u>	NO. ♦ NÚM. <u>09A 4178</u>	HOUSING LOCATION ♦ CELDA <u>36-15</u>
2. LOCATION OF INCIDENT ♦ LUGAR DEL INCIDENTE <u>C-Block 36-15</u>	INCIDENT DATE ♦ FECHA <u>2-22-11</u>	INCIDENT TIME ♦ HORA <u>Approx 7⁴⁰pm</u>
3. RULE VIOLATION(S) ♦ VIOLACIÓN/ES <u>113.10 - Weapon</u>		
4. DESCRIPTION OF INCIDENT ♦ DESCRIPCIÓN DEL INCIDENTE <p>On the above date and time, I, C.O. A. Holman performed a cell frisk of 36-15 housing inmate Rockefeller 09A4178. This was a suspicion frisk authorized by Sgt. Warner. During the frisk, I, located a personally owned book on the inmates desk. During a search of the binding I found a flat metal weapon. I, then notified Sgt. Warner of this. The inmate was then asked about the weapon and refused to comment. Then inmate Rockefeller was escorted to SHU by uninvolved staff without incident.</p> <p>I then took the weapon and marked it, and secured it in accordance with directive 4910A. The book that the weapon was found in was tagged and placed in the facility contraband Office.</p>		
REPORT DATE ♦ FECHA <u>2-22-11</u>	REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME <u>A. Holman</u>	SIGNATURE ♦ FIRMA <u>A. Holman</u>
TITLE ♦ TÍTULO <u>C.O.</u>		
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) SIGNATURES: ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay) FIRMAS: 1. <u>N. Klimko, C.O.</u> 2. <u>Sgt. Warner</u> 3. <u>Sgt. [Signature]</u>		

NOTE: Fold back Page 2 on dotted line before completing below.

6. WERE OTHER INMATES INVOLVED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> IF YES, GIVE NAME & # _____	¿HUBO OTROS RECLUSOS ENVUELTOS? SÍ <input type="checkbox"/> NO <input checked="" type="checkbox"/> DE SER SÍ DÉ LOS NOMBRES Y DIN _____
7. AT THE TIME OF THIS INCIDENT, WAS INMATE UNDER PRIOR CONFINEMENT/RESTRICTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	¿ESTUVO EL RECLUSO CONFINADO/RESTRINGIDO PREVIO AL INCIDENTE? SÍ <input type="checkbox"/> NO <input checked="" type="checkbox"/>
AS A RESULT OF THIS INCIDENT, WAS INMATE CONFINED/RESTRICTED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	¿SE CONFINÓ/RESTRINGIÓ AL RECLUSO COMO RESULTADO DE ESTE INCIDENTE? SÍ <input type="checkbox"/> NO <input checked="" type="checkbox"/>
8. WAS INMATE MOVED TO ANOTHER HOUSING UNIT? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	¿MUDARON AL RECLUSO A OTRA UNIDAD DE VIVIENDA? SÍ <input type="checkbox"/> NO <input checked="" type="checkbox"/>
IF YES, (a) CURRENT HOUSING UNIT <u>36-15</u> (b) AUTHORIZED BY <u>[Signature]</u>	DER SER SÍ, (a) UNIDAD DE VIVIENDA ACTUAL <u>36-15</u> (b) AUTORIZADO POR <u>[Signature]</u>
9. WAS PHYSICAL FORCE USED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (IF YES, FILE FORM 2104) _____	¿SE USÓ FUERZA FÍSICA? SÍ <input type="checkbox"/> NO <input checked="" type="checkbox"/> (DER SER SÍ, SOMETA EL FORMULARIO No. 2104) _____
AREA SUPERVISOR ENDORSEMENT <u>[Signature]</u> ENDOSO DEL SUPERVISOR DEL ÁREA <u>[Signature]</u>	

Distribution: WHITE - Disciplinary Office CANARY - Inmate (After review) ♦ Distribución: BLANCA - Oficina Disciplinaria AMARILLA - Recluso (después de la sesión)

APPENDIX "D"

Page 13 of 13 #3.125

ATTICA CORRECTIONAL FACILITY

WEAPON RECOVERY: U.I. DATA SHEET

DATE WEAPON WAS FOUND: February 22, 2011 TIME WEAPON WAS FOUND: 7:40 p.m.

Exact Location Where Weapon Was Recovered: (Which pocket, shoe, inside mattress, etc.? If found on person of inmate include location of incident)

In the binding of a personally owned book which was located in C-36/15 which housed inmate Rockefeller 09a4178.

DESCRIPTION OF WEAPON:

LENGTH: 5"

WIDTH: 1/2"

IS THE WEAPON:

FLAT: X

Thickness/Diameter: 1/8" thick

ROUND:

(Describe handle, lanyard, sheath, material, etc.):

The weapon was flat metal sharpened to a point at one end. There was no sheath or lanyard.

INMATES NAME: Rockefeller

#: 09a4178

LOC: C-36/15

Was This A Cell Frisk: Yes X No

If Cell Frisk, Where Was Inmate During Frisk?

Across from cell C-36/15

Officers Name:

A. Holman

Statement Of Inmate:

The inmate had no comment.

If found on an inmate's person or if weapon is attributable to an inmate: 2 photocopies will be taken (1 will go with the misbehavior report and 1 with the U.I. to the watch commander).

Report should state: "Weapon was, marked, photocopied, and placed in the Captain's Evidence Locker." The evidence tag, chain of custody is to begin with the name of the employee that recovered the weapon. If the weapon cannot be attributed to a specific inmate it is not a U.I. Notify the chart office for inclusion in the Watch Commander's log and turn the weapon into the arsenal for disposal. No photocopies are necessary.

SUPERVISING SERGEANT'S NAME: S. Warner S. Warner

ATTICA CORRECTIONAL FACILITY

CASE DATA WORK SHEET

TIER

III

Confined on this Report: Yes ☒ No ☐ Prev. ☐Date of Incident: 2-22-11Date of Report: 2-22-11Ret. f/OBSN/ECMC/OTC/
Special Watch: Report Written By: CO HolmanAssistance Needed: Yes ☒ No ☐Time Extension Number: Inmate Number: 09A4178 Name: Rockefeller J Cell: B2-15Date Served: Feb. 23, 2011 Time: 9:18 Am Officer: S. L. Co.Case Must Be Heard After: Date: 2-24-11 Time: 11:00amCase must Be Heard On or Before (Start within 7 days): Date: 2-28-11 Mon(Complete within 14 days): Date: 3-7-11 Mon

Case must be heard within seven (7) days if inmate is confined and must be given the opportunity to select and use the services of an assistant. If the inmate is released from confinement prior to the seven (7) day limitation, inmate must have at least twenty-four (24) hours to prepare a defense. If the inmate is not confined, case must be heard within fourteen (14) days of the date of the report. Extension may be granted by request to Department Counsel and approved by Commission.

WITNESSES: Name (inmates and/or employees)

- 1) NONE
- 2)
- 3)
- 4)
- 5)

ASSISTANT:

Judasz / G. McLaughlin / C. Dye

B



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
THE HARRIMAN STATE CAMPUS – BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

BRIAN FISCHER
COMMISSIONER

JOSEPH F. BELLNIER
DEPUTY COMMISSIONER
CORRECTIONAL FACILITIES

November 17, 2011

Mr. Jeffrey Rockefeller
#09-A-4178
Auburn Correctional Facility
135 State Street
Auburn, New York 13021-1800

Dear Mr. Rockefeller:

Commissioner Fischer has asked me to respond to your letter to him alleging staff misconduct at Attica Correctional Facility.

A copy of your letter was sent to facility officials for investigation. The investigation included an interview with you, identified staff and a review of facility records. During your interview, you reiterated your complaint and did not provide any witnesses or evidence to support your allegations.

Available records indicate that on February 22, 2011, the staff member identified in your letter issued a misbehavior report to you. At the subsequent Superintendent's Hearing completed on March 3, 2011, you were found guilty of possessing a weapon. You appealed this decision on April 28, 2011, the Director of Special Housing/Inmate Disciplinary Programs affirmed this decision. You may write to the Director of Special Housing/Inmate Disciplinary Programs requesting reconsideration.

After a review of the information contained in this investigation, facility officials report that your allegations of staff misconduct are unsubstantiated.

If you have further questions regarding this matter, please direct them to facility officials.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph F. Bellnier".

Joseph F. Bellnier
Deputy Commissioner

cc: Superintendent Graham, Auburn Correctional Facility
Superintendent Bradt, Attica Correctional Facility
Central Files



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
THE HARRIMAN STATE CAMPUS – BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

BRIAN FISCHER
COMMISSIONER

LUCIEN J. LECLAIRE, JR.
DEPUTY COMMISSIONER
CORRECTIONAL FACILITIES

June 27, 2011

Mr. Jeffrey Rockefeller
#09-A-4178
Southport Correctional Facility
236 Bob Masia Drive
P.O. Box 2000
Pine City, NY 14871-2000

Dear Mr. Rockefeller:

Commissioner Fischer has asked me to respond to your letter to him regarding your letter requesting reconsideration of your Superintendent's Hearing of March 3, 2011, conducted at Attica Correctional Facility.

As previously advised, this matter is currently the subject of litigation; no reconsideration will be afforded at this time.

I encourage you to continue to maintain positive behavior to expedite your release from confinement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lucien J. Leclaire, Jr.'.

Lucien J. Leclaire, Jr.
Deputy Commissioner

cc: Acting Superintendent Sheahan, Southport Correctional Facility
Central Files



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

BRIAN FISCHER
COMMISSIONER

LUCIEN J. LECLAIRE, JR.
DEPUTY COMMISSIONER
CORRECTIONAL FACILITIES

June 15, 2011

Mr. Jeffrey Rockefeller
#09-A-4178
Southport Correctional Facility
236 Bob Masia Drive
P.O. Box 2000
Pine City, NY 14871-2000

Dear Mr. Rockefeller:

Commissioner Fischer has asked me to respond to your letter to him regarding your letter requesting reconsideration of your Superintendent's Hearing of March 3, 2011, conducted at Attica Correctional Facility.

Since this matter is currently the subject of litigation, no reconsideration will be afforded at this time.

I encourage you to continue to maintain positive behavior to expedite your release from confinement.

Sincerely,

A handwritten signature in black ink, appearing to read "Lucien J. Leclaire, Jr.", written in a cursive style.

Lucien J. Leclaire, Jr.
Deputy Commissioner

cc: Acting Superintendent Sheahan, Southport Correctional Facility
Central Files

ATTICA CORRECTIONAL FACILITY
Office of the Inmate Records Coordinator

MEMORANDUM

TO: Jeffrey Rockefeller 09A4178 AUBURN CF

FROM: Sandra Prusak, IRC II *SP*

DATE: January 24, 2012

RE: FOIL

I am in receipt of your request for a copy of a grievance. You will need to give the specific grievance number that you are requesting. That is the only way that it can be researched and your request be granted.

If you disagree with this decision, you must write to Counsel's Office, 1220 Washington Ave., Albany, NY 12226.

SP: lp
cc: File

*Wrote back and told her I don't have a grievance #
And advised her that it is the only grievance I filed in January 2011
and that it should not be hard to find. Sent this out 2-1-12.
Also wrote to Counsel's office without response or results.*

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES
ATTICA CORRECTIONAL FACILITY
MEMORANDUM

**TIME ALLOWANCE COMMITTEE – FORMAL NOTICE
PURSUANT TO TITLE VII, CHAPTER 5, SECTION 261.4 OF NYCRR**

TO: Jeffrey Rochefeller 09A4178 BE/15

You are hereby notified that the Time Allowance Committee has directed that a Formal Notice be filed and delivered to you to be considered and determined at a Time Allowance Committee Hearing on April 12, 2011, for a hearing regarding the following conduct and that there may be sufficient reason not to recommend the granting of the total Good Time Allowance authorized you.

You have not addressed the required therapeutic counseling program for anger and violence that has been offered to you due to the nature of your crime and your misbehavior report(s) with violent conduct. The ART program must be completed successfully.

Your program assignment participation indicates that you have failed to cooperate and participate with facility procedures and programs.

You are further notified that _____ has been designated to furnish assistance to you in this matter.

Date notice delivered to inmate:

Time of day: 10⁰⁷ APR 04 2011 5 2011 (AM/PM)

Signature & Title of Person Preparing Notice: [Signature]

Charges delivered by: [Signature]

Inmate's Signature and DIN: X J. H. [Signature] - 09A4178

- c. Original – Inmate
Copy – Inmate Record File

1. FACILITY ATTICA CONSIDERATION DATE 04/2011 INIT
2. INMATE ROCKEFELLER, JEFFREY M DIN 09A4178
3. CR DATE 08/15/2011 ME DATE 12/15/2012
4. TOTAL GOOD TIME AVAILABLE..... 001-04-00
- 5A. TIME TENTATIVELY LOST IN TIER III HEARINGS..... 00-07-000
AMOUNT 02-000 DATE 06/08/2010 AMOUNT 04-000 DATE 06/15/2010
AMOUNT 01-000 DATE 02/22/2011
- 5B. TIME TENTATIVELY LOST IN TIER III HEARINGS PRIOR TO COMPUTERIZATION..... 0-0-0
- 5C. TIME TENTATIVELY LOST AT OCFSC(OFFICE CHILD/FAM SVCS)..... 0-0-0
- 5D. TOTAL TENTATIVELY LOST GOOD TIME..... 0-7-0
6. RESTORATION OF TENTATIVELY LOST GOOD TIME..... 0-0-0

REASONS

7. LOST GOOD TIME - TAC HEARING(IF APPLICABLE)..... 0-9-0
(DIRECTIVE 4932 SEC. 261.4).....
8. TOTAL GOOD TIME WITHHELD(IF APPLICABLE)..... 1-4-0
9. ALLOWANCE RECOMMENDED(LINE 4 MINUS LINE 8)..... 0-0-0

REASONS Due to the serious nature of the misbehavior history, along with the need for the inmate to complete the A.R.T. program, TAC recommends loss of all good time. Can ask for reconsideration when A.R.T. is completed.

10. RECONSIDERATION DATE, IF ESTABLISHED..... None
CR 12/15/2012 w/LT(ME)
- [Signature] ADSS 4/13/11
SIGNATURE OF CHAIRMAN TITLE DATE

11. SUPERINTENDENT'S ACTION

CONFIRM RECOMMENDATION ☒ OTHER DETERMINATION _____ SPECIFY _____

[Signature]
SUPERINTENDENT

4/14/11
DATE

12. COMMISSIONER'S DECISION

AFFIRMED [Signature] MODIFIED _____ DATE 4/24/11

COMMENTS _____

NOTICE TO INMATE: PURSUANT TO 7 NYCRR, CHAPTER V, PART 262 ALL TIME ALLOWANCE DECISIONS ARE REVIEWED AUTOMATICALLY BY THE COMMISSIONER OR HIS DESIGNEE. THE DECISION OF THE COMMISSIONER OR HIS DESIGNEE IS FINAL. YOU MAY REQUEST RECONSIDERATION OF ANY DECISION TO WITHHOLD GOOD TIME BY WRITING TO THE FACILITY TIME ALLOWANCE COMMITTEE CHAIRMAN.

DISTRIBUTION: CENTRAL OFFICE, GUIDANCE UNIT, INMATE, PAROLE OFFICE, FAC FILE

05/04/11 SRCL009 RECEPTION/CLASSIFICATION SYSTEM *RCLASS* PAGE 001
 13:28:42 LEGAL DATE COMPUTATION COMP DATE: 05/04/2011
 BY: C000WJM

TYPE 91 (LOST GOOD TIME ADJUSTMENT

DIN: 09A4178 NAME: ROCKEFELLER, JEFFREY M

NYSID: 05978537M

CURRENT LOCATION: ATTICA GEN - RB-CE-006

DATE RECEIVED	2009 08 17		
MINIMUM TERM	001 04 00	TIME TO SERVE (MINIMUM)	000 07 29
MAXIMUM TERM	004 00 00	TIME TO SERVE (MAXIMUM)	003 03 29
JAIL TIME (DAYS)	0241	TIME OWED (MINIMUM)	
DATE SENTENCED		TIME OWED (MAXIMUM)	
ORIG. MAX. EXP. DATE		PAROLE JAIL TIME (DAYS)	
DATE DECLARED DELINQUENT		NET TIME OWED	
DATE RETURNED		LIMITED CREDIT TIME POSSIBLE	
ORIG. DATE RECEIVED		SUPPLEMENTAL MERIT TIME POSS.	
DATE RELEASED		MERIT TIME POSSIBLE	00 02 21
DATE FAILED TO RETURN		GOOD TIME ADJUSTMENT	01 04 00
DATE ESCAPED		GOOD TIME POSSIBLE	000 00 00
ORIG. PAR. ELIG. DATE		LIMITED CREDIT TIME DATE	
OTHER STATE SENT. DATE		SUPPLEMENTAL MERIT ELIG DT	
DATE DISCHARGED		MERIT ELIGIBILITY DATE	2010 01 24
DATE REAFFIRMED		PAROLE ELIGIBILITY DATE	2010 04 15
PRIOR TIME CREDIT		PAROLE HEARING DATE/TYPE	2011 12 REAP
MEPS		TENTATIVE RELEASE DATE	
PAROLE BOARD DISCHARGE		MAXIMUM EXPIRATION DATE	2012 12 15
PRS	PRS ME	CONDITIONAL RELEASE DATE	2012 12 15
		T.A.C. DATE/TYPE	9999 99 FMAX

REMARKS: ADDIT JTC FOR 5 DAYS;4/11-TAC

DIST: IRC (1), GUID & COUNS UNIT (1), INST PAROLE (1), INMATE (1)

ATTICA CORRECTIONAL FACILITY
Office of the Superintendent
Memorandum

TO: J Rochefuller 09A4178 BE-15
NAME DIN CELL

FROM: Mark L. Bradt, Superintendent MLB

DATE: 3/30/11

SUBJECT: Inmate Note Dated 3/29/11 Received on 3/30/11

_____ Your complaint has been received. The Inmate Grievance Program (per Directive 4040) handles allegations of harassment or unlawful discrimination, therefore, your letter is being forwarded to the Inmate Grievance Office for processing.

✓ _____ I am investigating your letter and as soon as I have sufficient information, I will reply.

_____ Your letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your grievance/letter has been referred to the below-named person. Any further correspondence on this matter should be referred to this person.

_____ Your time cut request has been referred to the Deputy Superintendent for Security for response.

_____ Your marriage request has been referred to the Deputy Superintendent for Programs for processing and response.


MLB/se0

cc: DSS Champness
file

Attica Correctional Facility
Office of Deputy Superintendent for Security

MEMORANDUM

TO: Jeffrey Rockefeller 09-A-4178 BE-15

FROM: Paul Chappius, Jr., Deputy Superintendent for Security


DATE: April 1, 2011

SUBJECT: Letter dated 3-29-11

Your letter addressed to Superintendent Bradt was referred to me for response to you.

We are not pressing outside charges so your request to have the weapon "analyzed" is denied. Your request to open your sealed property is also denied.

PC/lb

Cc: Superintendent Bradt
File

Subjective:	I have injuries to my penis. I forgot to tell the nurse on my admission. I'm states he must be examined.		Last Name	ROCKEFELLER	
Objective:	Nurse Administrator Notified.		DIN	09A4178	Location
Assessment:	I'm to be seen in E.R. ASAP.		Date	2/24/11	Time
Plan:	Area Sgt Notified.		Provider Orders:		
Signature/Provider #	[Signature] 284		RN Transcribing Order/Provider #/Date/Time		

Subjective:	alleges sexual assault by staff. MHA notified. Sgt [Signature] notified. Dr. Rao in to eval pt.		Last Name	Rockefeller	
Objective:	States that an officer pulled his penis x2 during fucking. 2/24/11		DIN	09A4178	Location
Assessment:	Acute Hematuria/Dysuria.		Date	2/24/11	Time
Plan:	Re linear eczematous lesion on ant/post areas of penis. Other Eczema in urethra.		Provider Orders:	- Reasoned - UA dipstick WBC (+) NIT (+)	
Signature/Provider #	[Signature]		RN Transcribing Order/Provider #/Date/Time		

Continue entry into next box if necessary.

Brian Fischer

March 15, 2011

I Am requesting a finger print check and forensic test be done on this weapon. This weapon was planted in my cell by staff on 2-22-11 for retaliation purposes. My only proof is friends. I told the hearing officer he rejected my request for this evidence and the Administrative Personnel is being very uncooperative. Please I have a CR dated 08-15-2011. I cant afford this to hold me back. Please grant my request for this test.

Charge my account if you have to. I also contacted the Washington Co. Jail office, State Police in Bellingham and Albany at Bldg 22 in the Camps, I D, and the local newspapers and prisoners rights agencies etc. I need this test done so I can be cleared and go home on 8-15-11. Please help me. Thank you.

Sincerely
 Jeff Rockwell
 09A4178

Brian Fischer,

March 28, 2011

I was the victim of a weapon being planted in my cell by staff on 20-22-11. I told the hearing officer that I needed a fingerprint check and expenses done on this weapon to prove that it is not mine. I also want to establish once this testing is done that the owner of the weapon who made it that it was a product of an earlier search and that this weapon was on file in this inmates disciplinary file and the weapon was stored in the Contraband office before it made its way over to my cell. I have a CI date of 8-15-11 I can't afford this false weapon charge to affect my CI date. Please have this weapon analyzed for me so I can prove my innocence. I will bring you for the test. Send me the paper work to change my account. I am not getting any cooperation here at the office so I have to make up the cash. Please let me know ASAP. Thank you.

Sincerely,
 Jeff Rockwell
 09A4178

Brian Frescher,

April 2, 2011

Please, Mr. Frescher have you received my first 2 letters asking for a print and forensic test to be done on this weapon that was planted in my cell on 2-22-11. It is urgent that I have this test done. I have a TAC coming up this month and I don't want my good time taken away as a result of this weapon being planted in my cell by staff. I have evidence. I just need cooperation from your office. If this does not get done there is a very high risk of good time being taken away. Please if you are a man of justice have this done. Thank you.

Sincerely
Jeff Kelly
01A4178

Sgt. Warner,

February 19, 2011

I received the disposition about my Complaint and you say that there is no merit to it. Well if you would have done a thorough investigation you would have come to a different decision. We have been denied our basic rights around here such as Chow busters etc... ON 12-28-10 15-25 Cellon 35 & 36 companies are denied to take the list (3-11 shift) and on 1-4-11 the whole 36 Company is denied the list (3-11 shift). If your investigation was thorough then how did you miss reviewing the sheets (lists) from those dates? I can't prove being smacked up the my head but I can prove our rights being violated as far as our basic necessities being taken from us. Please your officers explain their conduct

As to this and do the job you are paid to do. You are a supervisor and supervisors are supposed to supervise, discipline and keep their subordinates in line and keep the inmates safe and everyone safe. You are covering up their conduct and turning a blind eye. You need to be demoted to an officer position cause you don't know how to do your job. Do your job. You're in violation of sec. 131 of the Correction Law Subd. 3 and 5. Read it retard! And get back to me with a job well done instead of not done or half assed. Good day.

Sincerely
J. Rockefeller
09AP4178
C-36-15

Superintendent Bratt,

April 11, 2011

I Am Complaining About Officer A. Mackiewicz. ON 4-3-11 Approx 7:10 am on W.B. East gallery. Officer Mackiewicz was passing out hot water, when he got to my cell he puts very little in my bucket. I then said to him "I want more. you did not put enough in. He ignores me totally. I then call him a fat fuck. I then attempt to fish up my bucket with my fingers which were still soapy from washing out a floor of sodas just before he left my cell. As I'm fishing it up to attempt to bring it over to my sink to fill it up it slips from my fingers and falls all over my cell and the gallery. Officer Mackiewicz is having a field day. He then tells all the other staff sleeping & those who are out into the gallery. He then says "I wish it could have gotten thrown on me. I said "Why so you can get me on Assault Charges?" I am then moved to C-6. The other the video will contradict everything in that misbehavior report. I ask that once this is reviewed Officer Mackiewicz be terminated for filing a false misbehavior report and possibly charged criminally.

The Version of events are as follows: ON the above time and date while handing out hot water on the East gallery I Officer A. Mackiewicz gave in my cell 16 Cell. He said "I want more" I informed Rockefeller you received your allotted amount. As I was filling the bucket in East 16 Cell Rockefeller stated "you fat fuck" and threw his hot water on the gallery. I continued the hot

Water sound without incident. The video will show that I said to him "I need more, you did not put enough in". Not "I want more". It will also show that he never said a word to me when I asked him for more. In his statement saying he informed me that I received my allotted amount is a lie. Video will prove this. Video will also show that he was in front of 16 or 17 cell and there was no way he witnessed the circumstances as to how the water got on the floor (accident or intentional). He speculated as to how this incident occurred or just lied. But, without him actually observing the circumstances, his misbehavior report does not constitute substantial evidence. Court of Appeals has decided that a misbehavior report written by someone who saw the incident can be used as substantial evidence. Here, he never saw the circumstances and therefore these charges must be expunged and Officer MacKee is disciplined for writing a false misbehavior report. I am only guilty for the harassment charge in getting him a 1st fight. I ask for Officer MacKee to be disciplined as settle, not live. This is unacceptable conduct. Dad knows how many other prisoners are across MacKee wing but had no evidence to show for it. I have suffered emotional distress, fear, and sleepless nights. Action must be taken.

Sincerely
J. R. K. [Signature]

04A4178

Inmate Vesten

Superintendent Bratt.

July 8, 2011

I am enclosing a copy of the package room record from Dawson State Correctional facility which now proves that I received that other legal book the Gilberts 2007 Criminal Practice Annual. I just received this document which is the same document I requested from JRC Pursell since February 2011 after Officer B. Nembeck stole my 2 legal books and said they were state property when in fact they were not. My claim was denied by Christine Hammer because she said I have no evidence I possessed these books. I have one book already with a sales receipt from the publisher which they sent me on 3-22-11.

I am still waiting on the Allen Publisher for a couple receipts (hyper Nexis). I believe this sales receipt of the J & M and this package room record from Downstate is proof enough. I now request that you reverse Christine Farmer's decision and reimburse me for these 2 books. My claim was also interfered with by Pamela Fussell not giving me this package room record from Downstate and telling me it did not exist. I believe this was an intentional act because if this was the case how is it that the D. R. C. at Southport obtained these records for me which were in my file? I was delayed by this withholding of these records. I ask that my claim be granted and processed.

immediately without delay for the full purchase price of the Jailhouse Lawyer's Manual for \$30. And the Gilberts for \$100 or \$150. Whichever one I stated. I am enclosing the following documents:

1. Downstate CF Package room record;
 2. A memo from Columbia Deenon Receipts ^{to receipt} Review from 3-22-11. Note: The date on the sales receipt (3-22-11) is not date of purchase as to the date they sent it to me at my request.
 3. Memo from Miss Parmenter dated 3-18-2011
 4. Copy of I-64: One when I arrived to Office dated 9-1-10 And the second dated 2-26-11
- Which shows that I am left with one book when I came to Office I had 7 books total

2 of them were legal. I request again for my claim to be granted and processed immediately and Officer B. Hornbush brought up on Criminal Charges for Criminal Mischief 3rd degree for destroying my legal work and for stealing my 2 legal books and a couple others. I'm only left with one book when I should have 7. I now have proved my claim after all this time and the unnecessary delay caused by Sandra Prusak by denying me these documents. Thank you.

Sincerely
 Jeff Ricketts
 2944078
 Southport CT
 Box 7000
 Pine City NY 14871
 7000

SUPPORTING DEPOSITION (CPL 100.20)

STATE OF NEW YORK
JUSTICE COURT

COUNTY OF WYOMING
TOWN OF WARSAW

NEW YORK STATE POLICE

COUNTY OF WYOMING
TOWN OF ATTICA

SUPPORTING DEPOSITION

On January 10, 2013 at 11:10 AM I, Jeffrey M. Rockefeller, [REDACTED] 68, residing at Columbia Garden Apartments, Cohoes NY state the following:

I was released from prison on December 14, 2012. While I was incarcerated I did some of my time in Attica and while I was there I was beaten and sexually assaulted. I was brought to Attica on 9/3/10 and on 11/10/10 I was assigned to live in C-36-15. On 12/28/10 Officer Keith Swack took privileges away from cells 16 through 25 on 35 and 36 company, and again on 1/3/11 Officer Swack told us he was going to take our privileges away on 1/4/11 by telling the officer who is working on 1/4/11 to do so. Swack was mad because inmates were talking to each other and passing things to each other. On 1/4/11 we did get denied privileges again which includes no chow or recreation etc. I became upset and wrote a grievance against Swack for violating correction law on more than one occasion for being denied food etc... Sergeant Warner investigated my grievance and denied it. I wrote Sergeant back on 2/19/11 and expressed my displeasure with his decision and I also stated that he should be demoted. On 2/22/11 I went to the mess hall for breakfast and I went to leave with some toast and Officer R. Weiss told me to dispose of it and I gave him a dirty look because I am allowed to take it to my cell. I disposed of the toast and then I got in line to go back to my cell, I was pulled out of line and then put up against the wall. I was pat frisked and told to go back to my cell, when I proceeded to go back to my cell I entered the stairwell by myself and two unknown officers began punch me in the gut and smacked my in the head. After they were done beating me I went back to my cell. Around lunch time I came out of my cell. I was told by the door officer E. Houlahan to step to the side, he told me to go back to my cell for no reason. I looked at his name tag and said I am writing you up, he said don't look at my nametag fuck face and I said fuck you. I went to my cell and I did not come out for evening chow. At 7:40 PM Officer Andrew Holman and Officer N. Klimko approached me and said that Sergeant Warner authorized a cell frisk. They advised me to step out of my cell and put my hands on the wall to be frisked, I was frisked and then locked in the shower. Andrew Holman came out of my cell and alerted Sergeant Warner that he found a weapon in my cell, he asked me if I knew anything about it and I said you planted it. Sergeant Warner asked me about the weapon and I said I know nothing about it and the Officer planted it. I was then cuffed from behind and then brought to the lobby. Once in the lobby I was advised by Sergeant Warner to stand facing the corner and not to move, I was then punched 10 to 15 times by unknown officers with closed fists in my back. I then observed Officer Summers touching me inappropriately with his baton in the center on my buttocks. Officer Summers reached between my legs grabbed my penis and yanked on it really hard two times, which left abrasions on it. I was given a lecture by Sergeant Warner that I need to stop writing grievances or this is going to keep happening. I was then escorted to SHU. I was then stripped frisked and the nurse was called Ms. Wassink. The Nurse examined me and asked about my injuries and I told her I was punched and was being touched inappropriately with a baton. I did not tell her about the sexual abuse because I was in fear for my life. The nurse asked me if I wanted a rectal exam I said no, I was not sodomized. She told me that I had to sign a refusal from which I did. I am then taken to my SHU Cell BE-15, 20 minutes later the nurse came back with two unknown officers and then told me to drop my pants and bend and spread em. I refused and then she threatened me that if I do not comply that she would take me to another room where the two officers would pry open my rectum for her to observe. I then said your bluffing, she then ordered an officer to open my cell to take me to a room, my cell opened, I then feared being sexually assaulted and abused again, I said I am lying to call them off because I was afraid of being sexually assaulted again, they all walked away. On 2/23/11 I alerted an unknown officer that I needed

JMR.

Four prison guards charged in attack on Attica inmate

By Paul Mrozek pmrozek@batavianews.com | Posted: Wednesday, December 14, 2011 12:00 am

WARSAW — Four state corrections officers who work at Attica Prison were indicted Tuesday on gang assault charges, for an alleged violent attack of an inmate, Wyoming County District Attorney Donald O'Geen announced in a news release.

Keith Swack, 37, of Corfu; Sean Warner, 37, of Belfast; Matthew Rademacher, 29, of Wyoming and Erik Hibschi, 28, of Gainesville, were charged with first-degree gang assault, fourth-degree conspiracy, tampering with physical evidence and official misconduct.

The charges stem from an incident that occurred Aug. 9, 2011, inside Attica Correctional Facility. Swack, Warner, Rademacher and Hibschi allegedly conspired to assault an inmate in Cell Block C and that following the violent attack, the four prison employees prepared false physical evidence, according to O'Geen's news release and the indictment.

Warner was also charged with two counts of first-degree offering a false instrument for filing, for allegedly submitting incorrect information to the department of corrections.

Warner is a sergeant at Attica. The other three suspects are guards.

Indictments against the four men were unsealed Tuesday morning in Wyoming County Court. The defendants appeared with their attorneys and pleaded not guilty to the charges in front of Wyoming County Judge Michael F. Griffith.

The courtroom was filled with family and supporters of the four officers.

The most serious count the defendants face is gang assault, a Class B violent felony. A conviction carries a minimum prison term of 8 1/3 years and a maximum of 25 years.

The inmate who is the alleged victim in the case was identified as George Williams, 29. He suffered severe injuries but they were not life-threatening. Williams, who had a broken collarbone, two broken legs and other injuries, was transported to Wyoming County Community Hospital in Warsaw.

Williams was convicted of larceny for stealing jewelry from two Manhattan stores in 2008 and 2009. He was serving a sentence of two to four years.

The inmate was transferred to Erie County Medical Center in Buffalo, where he underwent surgery. The inmate is still recovering from the injuries.

The less serious charges in the indictment include two Class E felonies, for the conspiracy and evidence tampering counts, and a Class A misdemeanor, for the official misconduct count.

The judge set bail for each defendant at \$25,000. A bail bondsman appeared in court and posted bond for all four men.

The prosecution asked for \$50,000 bail for each but the judge denied the request. The defendants were aware of the pending charges and have ties to the community, the defense attorneys argued.

The suspects voluntarily surrendered to authorities Tuesday for processing on the criminal charges before being released.

Arguing of legal motions in the four cases is slated for 9:30 a.m. Feb. 7.

Norman Effman, the attorney for Rademacher, said he and the other three defense counselors will challenge the accusations.

"We expect that our clients will be exonerated in court. We have really just started our investigation," he said.

Effman is Wyoming County's public defender. He was retained privately by Rademacher.

The other defense attorneys are Joel Daniels, for Swack; Joseph Latona, for Hibsich and Cheryl Myers-Buth, for Warner.

Daniels and Latona are prominent trial attorneys in Buffalo. Myers-Buth is a member of Thomas Burton's law firm in Buffalo, which often represents police officers charged with committing crimes.

Wyoming County Assistant District Attorney Vincent Hemming is the prosecutor assigned to the case.

O'Geen said in an e-mail that he could not divulge the motive for the alleged assault.

"I believe that it is something that will come out at trial," he stated in the e-mail.

But Swack's attorney, Daniels, told the Associated Press the altercation occurred when the guards learned that Williams "may have had a blade and drugs in his cell."

In the previous weeks, Daniels said, prison authorities had recovered "over 70 weapons — knives, shanks, razor blades — from inmates in searches of cells. And a lot of those weapons came from the same C Block where this inmate was."

The indictments opened Tuesday marked the culmination of a four-month investigation by the New York State Police Bureau of Criminal Investigation, under the direct supervision of George

Brown, the New York State Inspector General's Office and the Department of Corrections and Community Services. The probe is continuing.

Peter K. Cutler, director of public information for the department of corrections, said the four officers have been suspended without pay since early September.

"We had launched our own internal investigation," Cutler said.

The department probe led to the decision to suspend the officers and refer the matter to state police's BCI. The investigation is continuing, Cutler said.

The department spokesman said Swack has worked for corrections for six year, at Attica for four years; Warner, 14 years with corrections, at Attica, almost two years; Rademacher, six years with the department, at Attica, four years and Hibsich, five years with the department and 18 months at Attica.

Brian Fischer, commissioner of the department of corrections, also issued a statement.

"The indictments announced today by the Wyoming County District Attorney against four Attica Correctional Facility security employees are very troubling. The paramount responsibility of our department is to uphold our legal obligation to ensure the safety and security of the offenders in our custody and the employees we're responsible for at each facility."

Fischer also stated the department is cooperating fully with inquiries by other agencies.

"We investigate it thoroughly and take the appropriate action, including, when appropriate, referring the matter to the state police for criminal investigation and the District Attorney for prosecution – whether the incident involves offenders or staff," Fischer stated.

O'Geen said in his news release that all corrections employees should not be judged by the actions of a few.

"What everyone needs to remember as this case goes forward is that this is an indictment of four individuals and not an indictment on the noble profession of corrections officer. Day in and day out there are men and women who honorably guard the prisoners within our system and this indictment should not in any way shed any negative light on those who perform their duties each and every day."

The district attorney also said the four defendants will not receive any special consideration from his office.

"No one is above the law and we will continue to treat this case like every other case as this case proceeds through the criminal justice system in a fair and equitable manner," O'Geen stated.

(Includes reporting by the Associated Press)

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Thursday, September 19, 2013

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Three prison guards reindicted in Attica inmate assault

By **Matt Gryta** (<mailto:m.gryta@buffnews.com>) | News Staff Reporter
on January 24, 2013 - 6:32 PM, updated January 24, 2013 at 6:39 PM

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WARSAW – Three suspended Attica prison guards were reindicted this week on charges they beat an inmate in 2011.

A Wyoming County grand jury handed up an indictment charging Sean Warner, 37, of Belfast; Matthew Raddenmacher, 29, of Wyoming; and Keith Swack, 37, of Corfu, with first-degree gang assault, tampering with physical evidence and official misconduct.

All three entered not guilty pleas during their arraignments before County Judge Michael F. Griffith and each posted \$25,000 bail to remain free pending further court proceedings.

The trio are accused of beating George Williams in the "C" Block of Attica Correctional Facility on Aug. 9, 2011. Williams has filed a civil suit, and claims he suffered a broken collarbone and two broken legs in the alleged assault.

The three officers initially were indicted in December 2011 but Griffith dismissed that case, ruling prosecutors used improper evidence. Erik Hibsich, 28, of Gainesville, a fourth corrections officer initially accused of taking part in the beating, was not indicted in the new grand jury action. Prosecutors confirmed Hibsich had been granted immunity from prosecution before the second grand jury presentation in the case.

Warner, a corrections sergeant who outranked his two co-defendants, also was indicted a second time with first-degree offering a false instrument for filing. He is accused of preparing a use of force report which falsified the details of the cell block incident.

(<http://clicks.beap.ad.yieldmanager.net/c/YnYqMS4wLjAmYnMgKDEjZXEjcTlwicnhnaWQkNDgxZTNjOWMhMjE3OSoxMWUzLWliOTkzZDNmNGEmOGIxMDY0LHN0JF>)

